

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

IN RE PORK ANTITRUST LITIGATION

This Document Relates To:  
DPP and CIIPP Actions

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COMMONWEALTH OF PUERTO RICO,  
Plaintiff,

v.

AGRI STATS, ET AL.,  
Defendants.

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WINN-DIXIE STORES, INC., AND  
BI-LO HOLDINGS, LLC,  
Plaintiffs,

v.

AGRI STATS, ET AL.,  
Defendants.

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Case No. 18-cv-01776 (JRT-HB)

**STIPULATION FOR DISMISSAL  
OF DEFENDANT SEABOARD  
CORPORATION WITHOUT  
PREJUDICE**

Case No. 19-cv-02723 (JRT-HB)

Case No. 19-cv-01578 (JRT-HB)

WHEREAS, Defendants Seaboard Foods LLC and Seaboard Corporation (collectively, the “Seaboard defendants”) moved to dismiss the claims against Seaboard Corporation for failure to state a claim upon which relief can be granted;

WHEREAS, with leave of Court, Seaboard Corporation filed a motion for reconsideration of the Court’s October 20, 2020 Order denying the Seaboard defendants’ motions to dismiss;

WHEREAS, the parties have agreed to resolve this motion by stipulating to dismissing the claims against Seaboard Corporation without prejudice, provided that Seaboard Corporation makes satisfactory representations about its lack of direct involvement in hog and pork production;

WHEREAS, Seaboard Corporation represents that it does not directly own any hog-producing or pork-processing assets and does not directly produce, market, or sell hogs or pork;

THEREFORE, the undersigned parties hereby stipulate and agree as follows:

1. The Direct Purchaser Plaintiffs' Third Amended Complaint [ECF No. 431] shall be dismissed as to Seaboard Corporation without prejudice;
2. The Commercial and Institutional Indirect Purchaser Plaintiffs' Third Amended Complaint [ECF No. 432] shall be dismissed as to Seaboard Corporation without prejudice;
3. The Commonwealth of Puerto Rico's Third Amended Complaint [ECF No. 103] shall be dismissed as to Seaboard Corporation without prejudice;
4. Winn-Dixie Stores, Inc.'s and Bi-Lo Holdings, LLC's Second Amended Complaint [ECF No. 94] shall be dismissed as to Seaboard Corporation without prejudice; and
5. All statutes of limitations applicable to any and all claims that the DPP and CIIPP plaintiff groups, the Commonwealth of Puerto Rico, Winn-Dixie Stores Inc., and/or Bi-Lo Holdings, LLC may have against Seaboard Corporation shall be tolled from the entry of the dismissal without prejudice

until such a time, if it were to occur, that the DPPs, CIPPs, the Commonwealth of Puerto Rico, Winn-Dixie Stores, Inc., and/or Bi-Lo Holdings, LLC reinstate any such claims, but, in any event, no later than judgment is entered on the claims against Seaboard Foods LLC.

Dated: December 9, 2020

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